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Chairman: Mr. MADEJ (Poland)
(Vice-Chairman)

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ANNOUNCEMENT CONCERNING SPONSORSHIP OF DRAFT RESOLUTIONS

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In the absence of Mr. Lamptey (Ghana), Mr. Madej (Poland), Vice-Chairman, took the Chair

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 138: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SEVENTH SESSION (continued) (A/C.6/49/L.11 and A/C.6/49/L.13)

Draft resolutions A/C.6/49/L.11 and A/C.6/49/L.13

1. Mr. TRAUTTMANSDORFF (Austria), introducing the draft resolutions, said that since its inception the United Nations Commission on International Trade Law (UNCITRAL) had made an invaluable contribution to the progressive harmonization and unification of international trade law. Traditionally, UNCITRAL had concentrated on removing legal obstacles to the flow of international trade, especially those affecting the developing countries, and promoting the harmonization of their systems of trade law with those of industrialized countries. Special measures had become necessary with regard to promoting the harmonization efforts of the least developed countries.

2. The Commission's efforts to promote efficiency, consistency and coherence in international trade law were beneficial not only to developing countries, but also to countries with a highly developed and established market economy, as well as those whose economic systems were in transition from State-run to market economies. Such countries might have a particular interest in participating at an early stage in the efforts to unify and harmonize international trade law.

3. Draft resolution A/C.6/49/L.11, entitled "UNCITRAL Model Law on Procurement of Goods, Construction and Services", was patterned closely on General Assembly resolution 48/33 and was intended to promote the enhancement of existing procurement laws and the formulation of such laws where they did not exist through the utilization of the model provisions drafted by UNCITRAL.

4. The coordinators of the draft resolution had received a proposed amendment to paragraph 2, which would read as follows:

> "Recommends that, in view of the desirability of the improvement and uniformity of the laws of procurement, all States give favourable consideration to the Model Law when they enact or revise their procurement laws and that the courts, arbitrators and other appropriate authorities give favourable consideration to utilizing the Model Law as a source of current and acceptable international standards."

5. If that amendment was acceptable to the sponsors of the draft resolution, a revised version of the document would be submitted to the Committee for adoption at a later meeting.

6. Turning to draft resolution A/C.6/49/L.13, entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-seventh session", he said that it took note of the report of UNCITRAL (A/49/17), assessed some important elements of the report and dealt with the ongoing and future work of the Commission and the actions to be taken by the international community in that context. In particular, the draft resolution took into account the relatively low incidence of expert representation from developing countries, particularly the least developed countries, at sessions of the Commission and of its working groups, due in part to inadequate resources. Accordingly, emphasis was placed on measures to ensure the wider representation of developing countries through, inter alia, the holding of seminars in developing and other countries, the encouragement of voluntary contributions to the trust fund for UNCITRAL symposia, the award of fellowships and the support of training and technical assistance programmes.

7. In particular, the draft resolution called for continued consideration in the competent Main Committee on granting travel assistance, within existing resources, to the least developed countries that were members of UNCITRAL, and requested a further report on the matter by the Secretary-General.

8. Mr. LEGAL (France) said that, as a sponsor of draft resolution A/C.6/49/L.11, his delegation had difficulties with the proposed amendment. France believed that a model law was a set of guidelines which States might or might not take into account when revising their legislation in a given area. To urge courts and other legislative bodies to take a model law into account in the settlement of disputes would be to convert such rules into a standard of international law, which was not their normal function in international practice. Since courts were independent bodies, such instructions would not have much impact. In the interests of preserving clarity as to how rules of international law were created, his delegation preferred to retain the text as originally drafted.

9. Mr. TAN HAI CHUAN (Singapore) said that while his delegation could not comment officially on the proposed amendment, he shared the views expressed by the representative of France.

10. Mr. NATHAN (Israel) said that his delegation agreed with the representative of France that a court of arbitration could not take decisions on legislative texts, and he therefore preferred for the two draft resolutions to remain unchanged.

11. Mr. TRAUTTMANSDORFF (Austria) said that his delegation had not intended to reopen discussion on draft resolution A/C.6/49/L.11 at the current stage and would therefore withdraw its proposal.

12. Mr. MAIGA (Mali) said that the introduction of the two draft resolutions at the current meeting had taken his delegation by surprise. He requested the officers of the Committee to inform delegations well in advance when draft resolutions were to be considered so as to enable them to seek instructions from their Governments.

13. The CHAIRMAN said that the Committee would take action on the draft resolutions at a later meeting. He wished to inform the Committee that Bulgaria had joined the sponsors of draft resolution A/C.6/49/L.11 and that Uruguay had joined the sponsors of draft resolution A/C.6/49/L.13.

AGENDA ITEM 136: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/49/323 and Add.1 and 2; A/C.6/49/L.10)

14. Ms. TSONEVA (Bulgaria) said that the activities connected with the Decade of International Law contributed, at a time of political change, to the transition from confrontation to cooperation between States. It was desirable that the sphere of action of the principles of international law should be enlarged. Her country was party to many multilateral instruments, and the principles of international law were enshrined in the new Bulgarian Constitution.

15. Her country attached great importance to the peaceful settlement of disputes and to the protection of the environment. In that regard the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict were particularly valuable. Her country also welcomed the forthcoming Congress on Public International Law, which would offer the opportunity for the exchange of views. She urged that there should be a debate at the Congress on the issue of United Nations sanctions, which were of major importance for many countries, including her own. The Congress would be useful only if it addressed the practical needs of States.

16. Economic and political changes throughout the world had contributed to developments in international law. One such was the wider role played by regional bodies, which could help to disseminate and increase respect for international law as an aspect of preventive diplomacy. As the Secretary-General had said in his previous report (A/48/312), the aims and principles of the Decade should be realized at the national level, too. Accordingly, in Bulgaria, international law was closely linked with the country's democratic process, its economic reforms and its entry into European structures. At the international level, the creation of a legal and stable basis for preventive diplomacy and the wider use of international law in the peaceful settlement of disputes would be significant milestones in the history of the United Nations.

17. Mr. KORZACHENKO (Ukraine) said that his country, which was at the beginning of its development as a sovereign State, regarded the strict observance of international law as the cornerstone of its foreign policy. Peace and international cooperation were the only conditions under which a young State could devote maximum attention to solving many of the pressing internal problems with which it was confronted.

18. In his statement to the General Assembly at the current session, the Minister for Foreign Affairs of Ukraine had stressed that his country attached great importance to the strengthening of the role of international law within the system of international relations and the establishment of an international climate which would exclude unilateral measures, interference in the internal

affairs of States, the proclamation of so-called spheres of interest, and so on. Ukraine called for the further strengthening of the principles and norms of international law, especially such fundamental principles as respect for the sovereignty and territorial integrity of States, the inviolability of their borders and the defence of the rights of national minorities.

19. Ukraine was continuing to assert its place in the international legal structure and to strengthen the juridical basis of bilateral relations. It had recently become a member of the International Maritime Organization (IMO) and a party to a number of conventions concluded under IMO auspices. Ukraine had also ratified or acceded to certain multilateral treaties concluded within the framework of the International Labour Organization. It was continuing to consider ways of participating in the treaties drawn up by the Council of Europe, particularly those relating to cooperation in the field of criminal justice.

20. In order to carry out the tasks with which it was confronted, Ukraine urgently needed to train, as soon as possible, a significant number of highly qualified specialists in international law. Faculties of international law had been opened in a number of the country's higher educational institutions, and the training capacities of existing international law centres had been expanded.

21. As a State which had experienced the tragedy of the Chernobyl disaster, Ukraine was especially interested in the further progressive development and codification of the norms of international law in the sphere of environmental protection. It perceived the need to establish reliable guarantees of environmental human rights and attached special importance to supporting any initiatives in that direction. His delegation expressed deep appreciation to the International Committee of the Red Cross for its work in the area of protection of the environment in times of armed conflict and, in particular, for its preparation of instructions in that area.

22. Ukraine welcomed the initiative concerning the holding of the United Nations Congress on Public International Law as part of the activities for the Decade. It also supported the proposal that in selecting lecturers and moderators for the Congress, the Secretariat should bear in mind the need to ensure the representation of all major legal systems and all geographical regions. Ukraine further welcomed the proposal by some delegations that United Nations sanctions as a tool for the peaceful settlement of disputes should be an appropriate topic for discussion under the theme relating to the peaceful settlement of disputes.

23. Ukraine also felt that, in addition to the themes already chosen, the Congress should deal with the following issues, the analysis and resolution of which would be in the interest of many States, including those which had recently joined the international community: theoretical and practical aspects of the legal succession of States arising from the disintegration of federative States; newly independent States and the acceptance and observance of the principles of territorial integrity and inviolability of borders; newly independent States and regional guarantees of their sovereignty; and

international law and priorities in the area of environmental security, drawing on the lessons of the Chernobyl disaster.

24. Lastly, his delegation supported the proposed programme of activities for the third term (1995-1996) of the Decade.

25. Mr. KALITA (India) said that in an era where the rule of law failed to prevail world wide, the United Nations Decade of International Law was serving the important purpose of reaffirming faith in international law as an instrument for maintaining and safeguarding international peace and security.

26. The Decade should emphasize the following: promotion and enhancement of peaceful methods for the settlement of disputes between States, including resort to and full respect for the International Court of Justice; general and complete disarmament, in particular nuclear disarmament and the elimination of weapons of mass destruction; respect for international legal principles concerning the use of force, intervention and other coercive measures in international relations; and promotion of public awareness of international law. The peace conference to be held at the end of the Decade should adopt those international instruments which were needed to strengthen international law and reinforce mechanisms for the peaceful settlement of disputes.

27. The promotion of international peace and a world order based on justice and international law was a laudable goal which had been realized in the form of a number of international instruments. His country endorsed the purposes of the Decade of International Law. A peace-loving country, India had achieved its independence without violence and, since that time, had been working for international peace and security based on justice and international law. It was one of the sponsors of the Delhi Declaration on Principles for a Nuclear-Weapon-Free and Non-violent World, which called for peace and total disarmament.

28. India had always promoted respect for the rule of law and had supported the progressive development and codification of international law. It had actively participated in international conferences convened for the purpose of adopting multilateral treaties dealing with international relations. It had ratified those instruments and was scrupulous in its compliance with their provisions. It was a party to a number of other international instruments, including the Convention on the Rights of the Child, the International Convention against the Taking of Hostages and the United Nations Framework Convention on Climate Change.

29. International law was part of the curricula at several universities and institutions in his country. His Government had been encouraging study and research in international law by providing financial and other assistance to academic institutions. It had also begun to publish in a treaty series the agreements that India had concluded with other countries since its independence. The federal Government and local governments had also been supporting other related activities, including international law competitions.

30. India was one of the founding States members of the Asian-African Legal Consultative Committee, the headquarters of which were located in New Delhi. It participated actively in all the Committee's activities.

31. All international relations should be based on the rule of law and, consequently, international law needed to be codified and progressively developed. Promotion of methods for the peaceful settlement of disputes among States was fundamental to achieving international peace and security. Such methods should be flexible and appropriate to the nature of the particular dispute. In that connection, he wished to draw attention to paragraph 5 of the Manila Declaration on the Peaceful Settlement of International Disputes, according to which States should settle their disputes on the basis of sovereign equality and in accordance with free choice of means. That latter principle reflected the spirit of the Charter of the United Nations. Article 33 of the Charter provided for various means of settling disputes between States, including negotiation, inquiry, mediation, conciliation and other peaceful means. While States should certainly be encouraged to use such methods, they should not be prevented from choosing other means of dispute settlement that might be available to them.

32. The cause of peace could not be fully realized until the current world order was modified and the international community agreed on the need for a non-violent world order; total elimination of nuclear weapons leading to complete and general disarmament; a new system of economic relations based on equality and justice; and the need to guarantee civil, political, economic and social rights, and freedom and dignity for all peoples.

33. His country endorsed the convening of and would actively participate in the United Nations Congress on Public International Law, to be held in March 1995 as part of the Decade of International Law.

34. Mr. POSTICA (Romania) said that in its resolution 48/30, the General Assembly had invited Governments and international organizations to submit information on activities they had undertaken in implementation of the programme of activities for the United Nations Decade of International Law. The variety of replies demonstrated the great interest taken by the international community in the Decade.

35. Romania had taken a number of steps during the past year to achieve the main purposes of the Decade. With regard to the first purpose, which was to promote acceptance of and respect for the principles of international law, his Government had acceded to several multilateral agreements during the period 1993-1994. It accorded particular importance to the promotion of means and methods for the peaceful settlement of disputes, and to that end had initiated the procedure for the ratification of the 1993 Convention on Conciliation and Arbitration, an instrument which would help consolidate the principles and practice of the peaceful settlement of disputes.

36. His country had been very active in encouraging the teaching, study, dissemination and wider appreciation of international law, in fulfilment of the

fourth purpose of the Decade. In Romania, courses of study in international law were provided at 8 State educational institutions and at more than 20 universities and private institutions. In 1993, his country had published two new international law manuals, a book on international space law and one dealing with treaty law. Studies, reviews of current developments and seminars and round tables dealing with topics in the field of international law had continued in his country under the auspices of the Romanian Institute for International Studies and the Romanian Association for Law and International Relations. The Institute had organized a high-level international forum, held in Bucharest in April 1994, which had dealt with such topics as parliamentary diplomacy in a new Europe and preventive diplomacy.

37. His country had applied the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict by incorporating into its own manuals and instructions provisions on protection of civilians, the environment, the cultural and artistic patrimony, and potentially dangerous installations. In terms of military education, his country was focusing on the study and application of military decisions designed to achieve a balance between military advantage and the negative consequences of military actions. The Ministry of Defence had established a centre for international humanitarian law which had the task of training military personnel; that Ministry was also endeavouring to incorporate into various military regulations provisions concerning the protection of the environment in times of armed conflict, based on international instruments and General Assembly resolutions.

38. His delegation welcomed the preparations for the United Nations Congress on Public International Law, to be held in 1995. In that connection, it considered that the theoretical debate that would take place should be forward-looking and should endeavour to bring new vitality to the doctrine and study of international law.

39. His country would continue to participate actively in the programme of the Decade of International Law, which would do much to contribute to promoting international relations based on the principles and norms of law and justice.

40. Ms. WILLSON (United States of America) said that her Government strongly supported the main purposes of the Decade of International Law, which contributed to strengthening the rule of law in international relations. The Decade provided Member States with a way to inform the public about the importance of an international order based on law.

41. The Decade had made the international community aware of the need to find new ways of teaching and disseminating international law. In that connection, recent articles in the University of Toledo (Ohio) Law Review had discussed how the popular American television series Star Trek offered an opportunity to increase appreciation of international law by demonstrating some of its principles to a wide audience, including issues related to treaties, sovereignty, space law and law of the sea. Through its Law, Youth and Citizenship programme, the New York Bar Association had established a project, funded by the United States Department of Education, to bring the study of

international law to high school students. The project had published three books designed to teach students the principles of international law, including one which covered the major cases heard by the International Court of Justice and other international tribunals. The books had been distributed free of charge to New York schools and would be available nationwide. Her Government had also funded a five-day international law institute, under the auspices of the New York State Bar Association, which had provided teachers with training in international law and model curricula as well as United Nations field experience. The institute's model had then been developed or replicated at other schools throughout the country.

42. The American Society of International Law, dedicated to promoting understanding of and appreciation for the principles and the role of international law, had played a vital educational role by holding seminars and national and regional meetings. It had established various public forums for discussion of international law issues. The Society's interest group on the Decade of International Law had held a forum in 1994 at which papers had been presented on such topics as an international criminal court and transitional dispute resolution centres. Those papers, as well as the Secretary-General's reports on the Decade, had subsequently been published in the newsletter of the interest group. In July 1994 the Society had co-sponsored a workshop on international organizations which had brought together young scholars and United Nations experts.

43. Inspired by the Decade and with a view to increasing public understanding and awareness of international law, her country was producing a television series on public international law. The series consisted of 10 programmes covering the major issues in international law. More than 30 scholars and international lawyers had participated or appeared in the television series. The programmes used interviews, visual aids and special effects to promote their content effectively. The television series would be made available to law schools and universities and to other interested groups throughout the world; a learner's guide with references to relevant textbooks would be prepared to accompany the series.

44. An excerpt from the television series, entitled "The Nature and Sources of International Law", was projected.

45. Ms. MAWHINNEY (Canada) said that her country had a particular interest in three areas which demonstrated how international law could be used to facilitate international cooperation in the broadest sense. The first was the maintenance of international peace and security. One means of contributing to that was the implementation of multilateral treaties; and among those that Canada had recently ratified or intended to ratify shortly were the 1907 Hague Convention for the Pacific Settlement of International Disputes, the Montreal Convention on the Marking of Plastic Explosives and the Convention on chemical weapons.

46. Another important manner in which States contributed to the maintenance of peace and security was through the use of mechanisms for the peaceful settlement of disputes. At the heart of that process internationally was the International

Court of Justice. Her country supported the goal of universal acceptance of the Court's compulsory jurisdiction by the end of the Decade of International Law. Indeed, she believed that it should be given a wider role and that the Secretary-General should be authorized to take advantage of the Court's advisory competence.

47. A further interest for her delegation was the protection of individuals. In that connection it was encouraged by recent developments, in particular the drafting of a convention on the safety of United Nations and associated personnel and a declaration on the protection of victims of war. Her delegation was also encouraged by the establishment of the international ad hoc tribunals for the Former Yugoslavia and for Rwanda, which she hoped would lay the groundwork for an international criminal court. Thirdly, her delegation set great store by the protection of the environment. The fact that international law had played an important role in many issues, such as fisheries, oceans, desertification and international watercourses, provided ample evidence of the progressive development of international law and its codification. Her delegation particularly welcomed the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict. States should be strongly encouraged to incorporate them into their military manuals and to ensure that they were effectively disseminated and implemented. Moreover, work in that area should be continued.

48. Lastly, she expressed Canada's enthusiasm regarding the forthcoming Congress on Public International Law; it fulfilled the last of the Decade's goals, namely to encourage the wider appreciation of international law. The aim should be to have as high a level of participation and interaction among the delegates and speakers as possible.

49. Mr. SIDI ABED (Algeria), speaking on behalf of the Maghreb Arab Union, consisting of Algeria, the Libyan Arab Jamahiriya, Mauritania, Morocco and Tunisia, expressed the Union's support for the objectives of the Decade of International Law. The acceptance of and respect for international law should provide a means whereby developing countries could enjoy effective participation in establishing the rule of law and thereby a just international legal framework where legitimate interests were safeguarded.

50. Given that the promotion of the peaceful settlement of disputes played a major role in diminishing tensions between States, the members of the Union strongly believed in the need to strengthen the part played by the International Court of Justice in that regard. Although the members of the Union retained the right to choose the form of peaceful settlement of disputes that they considered most satisfactory, they would lend their full weight to the Court, believing that its powers should be increased to enable it to respond adequately to the growing number of cases before it.

51. The Union was glad that preparations for the Congress on Public International Law were proceeding well. It hoped that the criteria for participation approved by States would be respected, such as the need to ensure the representation of all the major legal systems and all geographical regions.

52. The delegations that he represented were fully aware that the wide dissemination of international law was crucial to the acceptance of its pre-eminence in international relations. They therefore encouraged the study of international law at their universities and other institutions of higher education. They also believed that the number of training and retraining courses, such as those provided under United Nations auspices, should be increased at both regional and international levels. In that connection, cooperation should be built up between developed and developing countries in the study and teaching of international law. The Secretariat's efforts in putting out information were an important contribution to the Decade and to a wider understanding of international law. No effort should be spared in strengthening and consolidating the role played by the rule of law in the international community and in promoting the aims and principles of the United Nations.

53. Mr. THAHIM (Pakistan), after expressing his country's support for the main purpose of the Decade of International Law, which he hoped would provide an opportunity for the further codification of international law and promote respect for its role in international relations, said that he attached special importance to the peaceful settlement of disputes between States, including resort to the International Court of Justice. He was glad to note that, on the evidence of the increasing number of cases being brought before the Court, there was an ever greater understanding among States regarding the Court's vitally important role.

54. Other means of promoting solutions to the plethora of conflicts that had erupted in the post-cold-war era included fact-finding missions (which would also serve to provide warning of situations likely to endanger international peace and security), the processes of mediation, conciliation and arbitration envisaged in the United Nations Charter, the good-offices role of the United Nations and the appointment of independent commissions. The international community should also develop a system of incentives and disincentives to encourage Member States to comply with Security Council resolutions.

55. With regard to the dissemination of international law, he believed that special emphasis should be given to encouraging the establishment of academic and professional institutions concerned with research and education in international law in the developing countries, where they were particularly needed. The United Nations should provide financial and technical assistance to developing countries like Pakistan in organizing seminars and training courses and undertaking studies in various aspects of international law. More scholarships and stipends should be provided.

56. The programmes of the Decade should include the strict adherence to the norms of international humanitarian law, especially in areas marked by the use of force against innocent civilian populations. Another objective should be to maximize economic growth and minimize human suffering. Since the world economy might at last be coming out of recession, new growth was likely to be generated, mostly in the developing countries. Their integration into the world financial and trading system could contribute immensely to global output. Attention should therefore be given to resolving international economic problems,

particularly as they affected developing countries, by reducing interest rates, increasing development assistance, curbing protectionist policies and trade barriers, transferring technology to developing countries and stabilizing commodity prices.

57. Mr. CHOE Tong U (Democratic People's Republic of Korea) said that in the development of a body of international law to serve all countries and peoples of the world, three key principles must be respected. First, the principle of respect for the sovereignty of States must be strictly observed: international law should make a practical contribution to the progress and development of humankind by ensuring the independence of all countries and by developing relations among nations on the basis of justice and impartiality.

58. Secondly, matters of international law that had been incorrectly treated in the past must now be reappraised. In that regard, his delegation wished to point out that treaties such as the Ulsa Five-Point Treaty of 1905, which had legalized Japan's occupation of and colonial rule in Korea, had disregarded the principles of international law prevailing at that time. That Treaty had not been concluded on the instructions of Emperor Kojong of Korea, nor had it been endorsed, signed or ratified by him. Furthermore, it conflicted with the general principles of international law in that it had been forcibly and unilaterally imposed upon one of the parties by the other party.

59. Historical facts could neither be erased nor concealed. The Japanese authorities must now acknowledge that the Ulsa Treaty and other treaties and laws that had legalized Japanese aggression, crimes and colonial rule in Korea had been unilaterally imposed forgeries. That admission was particularly important in view of the fact that Japan was currently attempting to gain a permanent seat on the Security Council.

60. Lastly, it was vitally important to intensify the study and dissemination of international law in developing and enriching its principles. His delegation noted with satisfaction that United Nations bodies, and in particular the United Nations Institute for Training and Research (UNITAR), were providing more opportunities for the training of international law experts at regional and developing country levels.

61. Mrs. KUPCHYNA (Belarus) said that implementation of the programme of the United Nations Decade of International Law, and ultimately the stability and predictability of international development, depended on the attitude adopted by States vis-à-vis international law. Belarus continued to be actively involved in that area. One of the key events of the year had been the implementation on 10 March 1994 of the new Constitution of the Republic of Belarus. Article 8 of the new Basic Law established the supremacy of universally accepted principles of international law and required Belarusian legislation to be in accordance with those principles. At foreign policy level, the Constitution now incorporated such generally accepted principles of international law as the sovereign equality of States, non-use of force or the threat of force, the inviolability of borders, peaceful settlement of disputes and non-interference in the internal affairs of States. The Government was currently giving close

consideration to the question of establishing a National Committee on the United Nations Decade of International Law, in order to secure fuller implementation and coordination at national level of activities aimed at achieving the main goals of the Decade.

62. With regard to the United Nations Congress on Public International Law to be held in 1995, her delegation shared the view that it was important to ensure that all basic systems of law and all geographical regions were represented at the Congress. Participation by representatives of interested non-governmental organizations and by a broad spectrum of experts would contribute to its success. The Secretariat's proposal regarding the holding of unofficial meetings outside the official framework of the Congress was also worthy of support. With regard to the themes to be considered at the Congress, Belarus wished to support Ukraine's proposal to devote attention to the theoretical and practical aspects of the succession of States arising in connection with the disintegration of a federal State; and also to international law and priorities in the area of environmental safety, drawing on the lessons of the Chernobyl disaster. Her delegation was also interested in the proposal put forward by the Netherlands and Australia in the Working Group, to the effect that imposition of sanctions by the United Nations would be an appropriate topic for discussion in the context of the question of means of securing peaceful settlement of disputes between States. Like other delegations, hers considered that the work of the Congress should not lead to the adoption of any official or binding document.

63. The Chernobyl disaster had heightened the Belarusian people's perception of environmental problems, regardless of their causes. Belarus was grateful to the International Committee of the Red Cross (ICRC) for preparing a revised version of the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, and welcomed the further work of ICRC in that field. The question of protection of the environment in periods of armed conflict should remain on the agenda of the Sixth Committee.

64. Belarus supported in principle the idea put forward by the States of northern Europe concerning a major concluding project for the Decade, to define the direction and character of international law and order in the twenty-first century. The proposal by the Russian Federation on the convening of a third international peace conference in 1999 (A/49/151) was worthy of consideration.

65. Miss SHAHEN (Libyan Arab Jamahiriya) said that the main purposes of the United Nations Decade of International Law were to enhance the authority of international law and to promote respect for its principles. As her country attached great importance to the principle of the peaceful settlement of disputes and held the International Court of Justice in high esteem, it had used its services in three cases, twice in connection with a dispute concerning the continental shelf with Tunisia and Malta and once in connection with a dispute concerning the Aouzou Strip with Chad. It had accepted the outcome in all three cases, even though the Court's judgment had gone against its interests in the dispute with Chad.

66. The goals of the Decade would be unattainable if States continued to use international law when it suited them and to ignore it when it conflicted with their aims and interests. The law of the powerful still held sway. The United Nations should therefore be more active in urging all States, both big and small, to respect international law, in particular Chapter VI of the Charter of the United Nations concerning the peaceful settlement of disputes. Her own country's dispute with certain Western States showed the extent to which international law and its institutions were being disregarded - non-compliance with the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie, failure to refer the case to the International Court of Justice and forcing the Security Council to become involved in a legal issue and to impose sanctions for political reasons. Was it any wonder that small nations were losing hope in the future of international law and were even losing faith in the United Nations system?

67. Ms. CARYANIDES (Australia) said that the Agreement relating to the implementation of part XI of the United Nations Convention on the Law of the Sea, adopted by the General Assembly on 28 July 1994, was an important example of the international community's endeavour to develop universally applicable legal regimes in order to secure international harmony. Australia had ratified the Convention and the Agreement implementing part XI thereof on 5 October 1994. It regarded the entry into force of the Convention as a most important development in international law, and as an example of that successful promotion of the acceptance of multilateral treaties which was one of the Decade's objectives.

68. The International Law Commission's work on the elaboration of the draft statute for an international criminal court contributed to two of the objectives of the Decade: promotion of the acceptance of and respect for the principles of international law; and encouragement of the progressive development of international law and its codification. The success of efforts to establish such a court would represent a crowning achievement of the Decade.

69. Encouragement of the study and wider appreciation of international law was another purpose of the Decade, and Australia had been active in furthering that aim. The Legal Office of the Department of Foreign Affairs and Trade had participated in hosting government lawyers from South Pacific island countries, pursuant to a scholarship programme established for that purpose. The Government was also actively involved in the promotion of understanding and respect for refugee law. Government officials had been involved in presenting lectures on refugee law at universities, in the international dissemination of Australian refugee law jurisprudence and in maintaining a dialogue with Australia's independent Refugee Review Tribunal concerning the scope and import of Australia's international obligations pursuant to the United Nations Convention relating to the Status of Refugees and customary international law.

70. Three major concerns of the Australian Government in seeking to further the main purposes of the Decade had been to promote acceptance of and respect for the principles of humanitarian law; to encourage the development of that law and its further codification; and to encourage the teaching, study, dissemination

and wider appreciation of the principles of international humanitarian law. Those concerns reflected its perception that in recent years there had been an alarming decline in the effectiveness of and respect for those principles. In an effort to counter that tendency, Australia was convening a Regional Conference on Humanitarian Law to be held at the Australian Defence Force Academy in Canberra from 12 to 14 December 1994. Using the Final Declaration of the International Conference for the Protection of War Victims (A/48/742) as its reference point, the conference would identify and explore such fundamental issues as enforcement, the contribution of international humanitarian law to peace-keeping and peacemaking, sexual violence and crimes against women and children in armed conflict situations, the protection of cultural property and the environment, the establishment of mechanisms for improving the plight of civilians, prisoners of war and refugees, and the removal of mines from post-war zones. A key aim of the conference would be to develop a body of ideas and recommendations which could be fed into the work of the open-ended group of experts established pursuant to the Final Declaration of the Conference on war victims and other key humanitarian law forums.

71. Australia welcomed the work being done by the Sixth Committee and ICRC to promote understanding and acceptance of the laws relating to the protection of the environment in times of armed conflict. It commended the ICRC for its work in developing a set of guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, and had already taken steps to verify that its military manuals and instructions on the laws of armed conflict were consistent with those guidelines.

72. Australia also wished to propose that one year in the Decade should be designated the "International Year of Humanitarian Law". It suggested that the year 1999, which would mark the centenary of the 1899 Hague Peace Conference, could appropriately be designated for that purpose. In that way, 1999 could bring a vital renewal of understanding of what world international humanitarian law and its obligations entailed.

73. Australia regarded the United Nations Congress on Public International Law, to be held in 1995, as an important forum for discussing major issues in that field. A more flexible format for the Congress, possibly involving the holding of workshops and working groups, would maximize opportunities for contributions from a large number of participants.

ANNOUNCEMENT CONCERNING SPONSORSHIP OF DRAFT RESOLUTIONS

74. The CHAIRMAN said that Armenia had joined the sponsors of draft resolution A/C.6/49/L.12.

The meeting rose at 5.50 p.m.